

# HOUSE BILL No. 1135

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-22.

**Synopsis:** Electronic publication of the IAC and Indiana Register. Requires the legislative services agency, as the publisher, to publish the Indiana Administrative Code (IAC) and the Indiana Register in electronic form only after June 30, 2006. Establishes administrative rulemaking requirements to facilitate the electronic editing and publication of the documents.

**Effective:** July 1, 2005.

---

---

**Heim, Austin**

---

---

January 11, 2005, read first time and referred to Committee on Government and Regulatory Reform.

---

---

C  
o  
p  
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1135

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-22-2-20 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) Whenever an  
3 agency submits a rule to the publisher, the attorney general, the  
4 governor, or the secretary of state under this chapter, the agency shall  
5 submit the rule in the form of a written document that:

- 6 (1) is clear, concise, and easy to interpret and to apply; and  
7 (2) uses the format, numbering system, standards, and techniques  
8 established under section 42 of this chapter.

9 (b) **After June 30, 2006, all documents submitted to the**  
10 **publisher under this chapter must be submitted electronically in**  
11 **the format specified by the publisher.**

12 SECTION 2. IC 4-22-2-24 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) An agency shall  
14 notify the public of its intention to adopt a rule by complying with the  
15 publication requirements in subsections (b) and (c).

16 (b) The agency shall cause a notice of a public hearing to be  
17 published once in one (1) newspaper of general circulation in Marion



C  
o  
p  
y

County, Indiana. To publish the newspaper notice, the agency shall directly contract with the newspaper. **An agency may not contract for the publication of a notice under this chapter until the agency has received an LSA document number under this section.**

(c) The agency shall cause a notice of public hearing and the full text of the agency's proposed rule (excluding the full text of a matter incorporated by reference under section 21 of this chapter) to be published once in the Indiana Register. To publish the notice and proposed rule in the Indiana Register, the agency shall submit the text to the publisher **in accordance with subsection (g)**. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) The agency shall include in the notice required by subsections (b) and (c):

- (1) a statement of the date, time, and place at which the public hearing required by section 26 of this chapter will be convened;
- (2) a general description of the subject matter of the proposed rule; and
- (3) an explanation that the proposed rule may be inspected and copied at the office of the agency.

However, inadequacy or insufficiency of the subject matter description in a notice does not invalidate a rulemaking action.

(e) Although the agency may comply with the publication requirements in this section on different days, the agency must comply with all of the publication requirements in this section at least twenty-one (21) days before the public hearing required by section 26 of this chapter is convened.

(f) This section does not apply to the solicitation of comments under section 23 of this chapter.

**(g) The publisher shall review materials submitted under this section and determine the estimated date that the material will appear in the Indiana Register. After establishing the estimated publication date, the publisher shall assign the materials an LSA document number.**

SECTION 3. IC 4-22-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (f), the secretary of state shall retain a duplicate original copy of each rule that has been accepted for filing by the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21). The secretary of state has official custody of an agency's

C  
o  
p  
y



adopted rules.

(b) Within one (1) business day after the date that the secretary of state accepts a rule for filing, the secretary of state shall distribute two (2) duplicate copies of the rule to the publisher in ~~paper~~ **the form specified by the publisher**. However, the secretary of state may distribute the rule without including the full text of any matter incorporated into the rule.

(c) When the copies are distributed under subsection (b), the secretary of state shall include a notice briefly describing the incorporated matters.

(d) Within ninety (90) days after the secretary of state accepts a rule for filing, the secretary of state may distribute duplicate originals of the rule, as follows:

(1) To the governor, one (1) copy.

(2) To the attorney general, one (1) copy.

(3) To the Indiana library and historical department, two (2) copies.

(4) After December 31, 1987, to the commission on public records, the number of copies needed by the commission for its archive program under IC 5-15-5.1.

(e) The secretary of state may distribute copies under subsection (d) in micrographic or electronic form. The micrographic copies shall be prepared under IC 4-5-1-2.

(f) If a final rule includes material that has been incorporated by reference under IC 4-22-2-21, the secretary of state may:

(1) retain custody of the secretary of state's original copy of the material; or

(2) transfer the secretary of state's original copy of the material to the Indiana library and historical department when the secretary of state transfers two (2) copies of the duplicate original rule to the Indiana library and historical department under this section.

SECTION 4. IC 4-22-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** The publisher shall publish a serial publication with the name Indiana Register at least six (6) times each year.

**(b) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Register in electronic form only.**

SECTION 5. IC 4-22-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The publisher shall compile, computerize, index, and print a codification of the general and permanent rules of the agencies with the name Indiana Administrative Code. The publisher may publish, with the Indiana Administrative

C  
o  
p  
y



1 Code, any tables, explanatory material, or other documents that the  
2 publisher considers appropriate.

3 (b) The publisher shall establish a system to maintain, supplement,  
4 and recompile the Indiana Administrative Code when necessary or  
5 appropriate.

6 **(c) Notwithstanding any law, after June 30, 2006, the publisher**  
7 **shall publish the Indiana Administrative Code in electronic form**  
8 **only.**

9 SECTION 6. IC 4-22-8-8 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Before an edition or  
11 supplement of the Indiana Administrative Code is printed **or (after**  
12 **June 30, 2006) published in electronic form**, the publisher shall  
13 deliver an affidavit to the secretary of state attesting that the text to be  
14 published in the edition or supplement has been compared with the  
15 preceding edition, the preceding supplement (if applicable), and the  
16 appropriate original versions of recently adopted rules and has been  
17 found to be correct and complete.

18 (b) Upon delivery of an affidavit under this section, the secretary of  
19 state shall certify the receipt of the affidavit and the publisher's  
20 assertions for the edition or supplement to which they apply.

C  
o  
p  
y

